

**Comments in Response to Localism Notice of Proposed Rulemaking  
MB Docket No. 04-233**

I submit the following comments in response to the Localism Notice of Proposed Rulemaking (the "NPRM"), released Jan. 24, 2008, in MB Docket No. 04-233.

Any new FCC rules, policies or procedures must not violate First Amendment rights. A number of proposals discussed in the NPRM, if enacted, would do so – and must not be adopted.

(1) The FCC must not force radio stations, especially religious broadcasters, to take advice from people who do not share their values. The NPRM's proposed advisory board proposals would impose such unconstitutional mandates. Religious broadcasters who resist advice from those who don't share their values could face increased harassment, complaints and even loss of license for choosing to follow their own consciences, rather than allowing incompatible viewpoints to shape their programming. The First Amendment prohibits government, including the FCC, from dictating what viewpoints a broadcaster, particularly a religious broadcaster, must present.

(2) The FCC must not turn every radio station into a public forum where anyone and everyone has rights to air time. Proposed public access requirements would do so – even if a religious broadcaster conscientiously objects to the message. The First Amendment forbids imposition of message delivery mandates on any religion.

(3) The FCC must not force revelation of specific editorial decision-making information. The choice of programming, especially religious programming, is not properly dictated by any government agency – and proposals to force reporting on such things as who produced what programs would intrude on constitutionally-protected editorial choices.

(4) The FCC must not establish a two-tiered renewal system in which certain licensees would be automatically barred from routine renewal application processing. The proposed mandatory special renewal review of certain classes of applicants by the Commissioners themselves would amount to coercion of religious broadcasters. Those who stay true to their consciences and present only the messages they correspond to their beliefs could face long, expensive and potentially ruinous renewal proceedings.

(5) Many Christian broadcasters operate on tight budgets, as do many smaller market secular stations. Keeping the electricity flowing is often a challenge. Yet, the Commission proposes to further squeeze niche and smaller market broadcasters, by substantially raising costs in two ways: (a) by requiring staff presence whenever a station is on the air and, (b) by further restricting main studio location choices. Raising costs with these proposals would force service cutbacks – and curtailed service is contrary to the public interest.

We urge the FCC not to adopt rules, procedures or policies discussed above.

*My concerns and comments regarding these proposed rules changes, in my own words, rather than the prepared comments above follow in a different typeface, for your ease of quick perusal.*

- (A) *I have a choice as a radio listener/television viewer, every single time I turn on one of these devices in my home or car, as appropriate; I can listen to or watch whatever I find to be of value from the selections available at that time. If I find the content objectionable, I also have the ultimate power of censorship; I can turn it OFF!*
- (B) *I have a number of radio stations available in my local market which either a) carry content which originates outside my local area, or b) are based entirely in another locale and are rebroadcast or translated signals in my local area. I have the option of supporting these stations with my patronage of their paid advertisers or, in the case of listener supported, non-commercial stations, directly out of my own pocket by regular or one-time donations.*

- (C) *I have the decision-making power to listen to one station over another, based on the value they provide to me, as does every American. As I interpret the intentions of this proposed rules change, much of that authority would be denied me by dint of any particular station having its content effectively dictated by the FCC. I find this idea repugnant and very likely illegal. It is not the role of the Federal Communications Commission to determine what broadcasters will present content-wise. It **is** within the purview of the FCC to ensure that broadcasters operate within rules and regulations intended to protect the listening and viewing public.*
- (D) *“Localism” as it is presented in MB Docket No. 04-233 is not applicable across the board to all broadcasters, and neither should be the Proposed Rulemaking. For example, the Christian broadcast known as “KLOVE” originates in California, yet I listen to it in Southern Oregon and I know that other people listen all over North America, and in fact all over the world via internet. There is a sense of community built based on that fact, that I am hearing the same thing, at the same time, as hundreds of thousands of other people, and it doesn’t matter that the content rarely, if ever, even mentions my hometown. It’s not meant to be localized, but rather to provide a consistent message and body of content that can be shared by many diverse people.*
- (E) *This proposed rulemaking would shatter the aforementioned (D) model by requiring “local” content every place that KLOVE is heard. Additionally, since this broadcast is made available to me locally over translators, and the rules change would require a ‘manned’ operation, it would not be possible, or at best it would be cost-prohibitive to continue reaching this area, or very far outside of it’s area of origination.*
- (F) *One other thing about this proposition is that it smacks of the “Fairness Doctrine” and shame on the Commission for being involved with something so underhanded as trying to regulate that ridiculous agenda into fact!*

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4-27-08

Signature

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